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RECENT IMPORTANT DECISIONS.

BANKRUPTCY—DISCHARGEABLE DEBTS—PROPERTY OBTAINED BY FRAUD—LEGAL SERVICES.—Where a bankrupt, by false representations as to his property holdings and income, induced plaintiff thereby to render him valuable legal services, *held* that such fraudulent statements did not render a subsequent discharge in bankruptcy inoperative as a release from liability for such services—they not constituting “property” within the meaning of § 17 (2) of the Bankruptcy Act of 1898, as amended by Act of 1903 (32 STAT. 797, 798) which excepts from the general release of a discharge “liabilities for obtaining *property* by false pretenses or false representations.” *Gleason v. Thaw* (1915) 35 Sup. Ct. 287.

It may well be doubted if Congress had in mind to discriminate against the lawyer, doctor, teacher and other professional man in favor of the merchant and business man because, in the latter case, the bankrupt has obtained tangible goods and in the former he has secured by false representations that which may, as a product of many years of preparation and experience, be far more valuable than mere goods—viz. services. Yet such was the burden of defendant's contention successfully maintained in two prior adjudications of this same point in inferior federal courts. (185 Fed. 345; 196 Fed. 359). In the latter decision the court intimates very strongly a desire to ignore any distinction between property tangible and intangible, but considers itself bound by the doctrine of *stare decisis*. The ground for decision emphasized by the Supreme Court seems to be the fact that Congress must have intended a uniform use of the word “property” throughout the whole statute. In the seventy times that it occurs therein without restriction, it is asserted that not once does it plainly refer to professional services, and in a majority of cases an attempt to so render it would produce absurd results. The definition of property sanctioned by the court is “something subject to ownership, transfer or exclusive possession and enjoyment, which may be brought within the dominion and control of a court through some recognized process”—and plainly this excludes professional services of the nature rendered by plaintiff.

BANKRUPTCY—DISSOLUTION OF LIEN.—A Louisiana statute gave a lien for the purchase price of agricultural products “for and during the space of five days only after the day of delivery; within which time the vendor shall be entitled to seize the same in whatsoever hands or place it may be found and his claim for the purchase money shall have preference over all others.” Plaintiff company, an unpaid vendor of cotton, brought suit in a Louisiana state court to foreclose such lien and to obtain a general judgment against its vendee; writs of sequestration and attachment were issued, but were apparently not executed; garnishee summons was issued and served on certain debtors of the vendee and on a railroad which had some of the